

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD MICHAEL BOWLIN,

3:12-CV-01978-PK

Plaintiff,

ORDER

v.

JOHN NELSON,

Defendant.

DONALD MICHAEL BOWLIN
650 N.W. Irving St
Portland, OR 97209-1272
(503) 806-6332

Plaintiff, *Pro Se*

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and
Recommendation (#17) on April 29, 2013, in which he recommends

the Court dismiss this matter with prejudice *sua sponte* for lack of subject-matter jurisdiction. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). *See also* *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988). Having reviewed the legal principles *de novo*, the Court does not find any error in the Magistrate Judge's analysis of the issue of subject-matter jurisdiction. The Court, however, concludes this matter should be dismissed without prejudice. *See Levi v. State Bar of Ca.*, 391 F. App'x 633, 634 (9th Cir. 2010)(dismissal of an action for failure to establish federal subject-matter jurisdiction should be without prejudice).

CONCLUSION

The Court **ADOPTS in part** Magistrate Judge Papak's Findings and Recommendation (#17). Accordingly, the Court **DISMISSES** this

matter **without prejudice**.

IT IS SO ORDERED.

DATED this 7th day of June, 2013.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge